

MINUTES

OF THE

NATURAL RESOURCE COMMISSION

MEETING

SEPTEMBER 9, 2004

CHAMBER OF COMMERCE VISITOR'S CENTER
FORT MADISON, IOWA

TABLE OF CONTENTS

Table of Contents	2
Meeting Minutes	1
Call to Order	1
Members Present.....	1
Members Absent	1
Approve Agenda	1
AGENDA APPROVED	1
Approve Minutes	1
APPROVED MINUTES.....	1
Director's Remarks	2
Construction Projects	2
Storm Lake, Buena Vista Co. - Addition to Fish Stripping Station.....	2
CONSTRUCTION PROJECT APPROVED	2
Lake Anita State Park, Cass Co.--Campground Improvements	3
CONSTRUCTION PROJECT APPROVED.....	3
Lake Keomah State Park, Mahaska Co.--Campground Electrical Improvements.....	3
CONSTRUCTION PROJECT APPROVED.....	3
Badger Creek State Park, Madison Co.--HMA Paving	4
CONSTRUCTION PROJECT APPROVED.....	4
Green Valley State Park and Three Mile Lake, Union Co. - HMA Paving.....	4
CONSTRUCTION PROJECT APPROVED.....	4
Land Acquisition.....	5
South Pine Creek Area, Winneshiek County--INHF	5
LAND ACQUISITION APPROVED	5
South Pine Creek Area, Winneshiek County—Iowa Natural Heritage Foundation.....	5
EASEMENT DONATION APPROVED	6
Pool Slough Wildlife Management Area, Allamakee County--Zeimet.....	6
LAND ACQUISITION APPROVED	6
Pine Creek Wildlife Management Area, Clayton County--INHF	6
LAND ACQUISITION APPROVED	7
Goose Lake Wildlife Management Area, Clinton County—Phoenix Farms	7
LAND ACQUISITION APPROVED	8
McCausland Wildlife Management Area, Scott County--Diercks	8
LAND ACQUISITION APPROVED	8

Loess Hills State Forest, Harrison County—Iowa Natural Heritage Foundation.....	8
LAND ACQUISITION APPROVED	9
Budget Request for FY06	9
FY 06 BUDGET APPROVED	11
Conservation and Recreation Donations.....	11
DONATIONS APPROVED	12
Petition for Rulemaking—Notice of Intended Action—Chapter 64, Metal Detectors Use in State Areas	12
NOTICE APPROVED	5
Notice of Intended Action—Chapter 79, Fish Stocking Procedures for Private Waters.....	5
NOTICE APPROVED	8
Notice of Intended Action—Chapter 61, State Parks and Recreation Areas.....	8
NOTICE APPROVED	11
Notice of Intended Action—Chapter 27, Land and Water Conservation Fund.....	11
NOTICE APPROVED	15
Official Designation of Fort Dodge ATV Park.....	15
Ben Champ.....	16
Rick Williams	16
Paul Romans	16
ATV PARK DESIGNATION APPROVED	16
Wildlife Habitat Grants Program	16
GRANTS APPROVED	17
General Discussion	17
Next Meeting Dates	18
Adjournment	18

MEETING MINUTES

CALL TO ORDER

The meeting of the Natural Resource Commission was called to order by Chairperson Francisco at 8:30 a.m. on Thursday, September 9, 2004 at the Chamber of Commerce Visitor's Center, Fort Madison, Iowa.

MEMBERS PRESENT

Joan Schneider
Janice Marcantonio
Paul Christiansen
Randy Duncan
Richard Kim Francisco

MEMBERS ABSENT

William Sullivan
Carol Kramer

Chairperson Francisco thanked the tour guides for the tour of the area. The tour included Shimek State Forest/Belfast Road site visit with John Pearson and Barry Smith; a prescribed fire use in woodlands discussion at the Saltgaver property near Argyle with Mike Saltgaver and John Walkowiak; the Montrose State Nursery with discussion on State Nursery/Wildlife prairie seed/Iowa Department of Corrections partnership with Aron Flickinger and Bill Johnson; and Lee County Conservation Board's Heron Bend and Pool 19 with discussions on diving duck migration with Bill Ohde. Mr. Francisco relayed that there is a good cooperative effort between wildlife, forestry, and prairies and the Department of Corrections.

APPROVE AGENDA

Motion was made by Commissioner Schneider to approve the September 9, 2004 NRC agenda. Seconded by Commissioner Duncan. Motion carried unanimously.

AGENDA APPROVED

APPROVE MINUTES

Motion was made by Commissioner Marcantonio to approve the minutes of the August 12, 2004 NRC meeting as presented. Seconded by Commissioner Schneider. Motion carried unanimously.

APPROVED MINUTES

DIRECTOR'S REMARKS

Director Vonk reported that he was attending the Prairie Pothole Joint Venture meeting being held at Gull Point State Park while the commission and staff were on their tour. He said Richard Bishop, recently retired wildlife bureau chief, was honored by the PPJV for his work on that project. A bronze plaque has been placed at Mud Lake in honor of his efforts on waterfowl. Director Vonk explained that the PPJV is a cooperative Federal, State and nonprofit organization entities effort to work cooperatively on wetland restoration in north central Iowa. This has been a very successful and valuable project for wetland restoration in Iowa. Discussion continued regarding how Iowa has to work hard to continue to receive funding for restoration of its wetlands versus the Dakotas where land is less expensive and money goes further toward purchasing the land.

Director Vonk announced that plans are being made for a joint NRC/EPC planning meeting on December 8. The regular NRC meeting will be the following day. More details will be sent out regarding the joint planning meeting.

Commissioners were asked to think about meeting locations for the NRC meetings next year. If there are locations of interest or certain areas to be included on a tour, please let staff know.

CONSTRUCTION PROJECTS

Linda Hanson, Division Administrator, Management Services Division, presented the following item.

Storm Lake, Buena Vista Co. - Addition to Fish Stripping Station

This project consists of the construction of a pre-engineered, metal-skinned, wood-type addition, approximately 960 square foot, to the existing fish stripping facility at Storm Lakes Casino Bay area as required by the Plans and the DNR Construction Inspector and as described in the Project Manual. Project is budgeted 50% in the Fish and Wildlife Capitals Fund and 50% Coast Guard.. DNR estimate is \$120,000. Seven sets of plans were requested. Four bids were received.

Schoon Construction, Inc.	Cherokee, IA	\$ 97,536.00
Lessard Contracting, Inc.	Sergeant Bluff, IA	\$ 106,400.28
Grundman-Hicks, LLC	Cherokee, IA	\$ 114,900.40
Vaughn DeLoss,		
dba Vaughn DeLoss Construction	Spencer, IA	\$ 133,445.80

Staff recommends award of contract to Schoon Construction, Inc., low bidder.

Motion was made by Commissioner Marcantonio to approve the low bid of Schoon Construction, Inc. of Cherokee, Iowa in the amount of \$97,536.00 for an addition to fish stripping station at Storm Lake in Buena Vista County. Seconded by Commissioner Duncan. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

Lake Anita State Park, Cass Co.--Campground Improvements

This project consists of the construction of sixteen granular surfaced campsites with living spaces and water and sewer hook-ups. The project also includes an electrical service upgrade for 64 sites as well as related work as required by the Plans and the DNR Construction Inspector and as described in the Project Manual. This project is budgeted in Restore the Outdoors (RTO) and Land and Water Conservation (LAWCON) funds. DNR estimate is \$126,600. Twelve sets of plans were requested. Four bids were received.

Schoon Construction, Inc.	Cherokee, IA	\$ 129,757.98
Bedford Building Supply, Inc.	Bedford, IA	\$ 129,970.00
Nikkel & Associates, Inc.	Ames, IA	\$ 133,001.41
Pinnell Brown Construction, Inc.	Des Moines, IA	\$ 147,945.44

Staff recommends award of contract to Schoon Construction, Inc., low bidder.

Motion was made by Commissioner Christiansen to approve the low bid of Schoon Construction, Inc. of Cherokee, Iowa, in the amount of \$129,757.98 for campground improvements at Lake Anita State Park in Cass County. Seconded by Commissioner Marcantonio. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

Lake Keomah State Park, Mahaska Co.--Campground Electrical Improvements

This project consists of granular surfacing of camp pads and installation of electrical hookups and related equipment and other related work as required by the Plans and the DNR Construction Inspector. This project is budgeted in Restore the Outdoors (RTO) and Land and Water Conservation (LAWCON) funds. DNR estimate is \$87,245. Fifteen sets of plans were requested. Four bids were received.

Dan Nekola, dba Elberon Hardware	Elberon, IA	\$ 88,601.53
Nikkel & Associates, Inc.	Ames, IA	\$ 100,426.09
Schoon Construction, Inc.	Grinnell, IA	\$ 103,091.34
Dickinson Co., Inc.	Oskaloosa, IA	\$ 116,613.40

Staff recommends award of contract to Dan Nekola, dba Elberon Hardware, low bidder.

Motion was made by Commissioner Duncan to approve the low bid of Dan Nekola, dba Elberon Hardware of Elberon, Iowa, in the amount of \$88,601.53 for campground electrical improvements at Lake Keomah State Park in Mahaska County. Seconded by Commissioner Christiansen. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

Badger Creek State Park, Madison Co.--HMA Paving

This project consists of the hot mix asphalt (HMA) paving of the existing granular surface roadways and other related work as required by the Plans and the DNR Construction Engineer. Project is budgeted 100% in Parks and Institutional Road funds. DOT estimate is \$393,400 and DNR estimate is \$230,000. Three plan sets were requested. Two bids were received.

Western Engineering Co., Inc.	Harlan, IA	\$ 224,918.03
Brower Construction Co., Inc.	Sioux City, IA	\$ 229,410.90

Staff recommends award of contract to Western Engineering Co., Inc., low bidder.

Motion was made by Commissioner Schneider to approve the low bid of Western Engineering Co., Inc. of Harlan, Iowa, in the amount of \$224,918.03 for HMA paving at Badger Creek State Park in Madison County. Seconded by Commissioner Duncan. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

Bids were opened September 2, 2004 for the following project:

Green Valley State Park and Three Mile Lake, Union Co. - HMA Paving

This project consists of hot mix asphalt (HMA) paving of various roadways at Green Valley State Park and Three Mile Lake along with other related work as required by the Plans and the DNR Construction Inspector. Project is budgeted 100% in Parks and Institutional Road Funds. DOT estimate is \$822,000.

Blacktop Service Co.	Humboldt, IA	\$664,819.07
Grimes Asphalt & Paving Corp.	Grimes, IA	\$697,957.25
Western Engineering Co.	Harlan, IA	\$823,636.25

Staff recommends award of contract to Blacktop Service Co., low bidder.

Motion was made by Commissioner Christiansen to approve the low bid of Blacktop Service Co., of Humboldt, Iowa, in the amount of \$664,819.07 for HMA paving at Green Valley State Park and Three Mile Lake in Union County. Seconded by Commissioner Duncan. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

LAND ACQUISITION

Linda Hanson, Division Administrator, Management Services Division, presented the following item.

South Pine Creek Area, Winneshiek County--INHF

The Natural Resource Commission's approval is requested to purchase a parcel of land located in Winneshiek County. DNR's South Pine Creek Area, adjoins the property to the southeast. The Iowa Natural Heritage Foundation (INHF) offer the 40-acre parcel for \$5,000. The appraised value is \$104,000. The INHF purchased the land in 1996 for \$40,000 using a \$22,000 National Fish and Wildlife Foundation Grant and a \$5,000 contribution by the Hawkeye Flyfishers.

Daniel K. Kinsinger, Licensed Appraiser, of Iowa City, Iowa, submitted the appraisal. Travis Baker negotiated the purchase agreement.

This property is located in northeastern Winneshiek County, Iowa, approximately 4 miles south of Highlandville. South Pine Creek, a natural reproductive brook trout stream, dissects the entire parcel running from northwest to southeast. The parcel is entirely native timber, grassland and trout stream. Topography ranges widely from nearly level to very steep.

This acquisition will become part of the 780-acre South Pine Creek Area and will be managed by the Conservation and Recreation Division in accord with the area management plan.

Funding used for this acquisition will be the Fish & Wildlife Trust Fund. Incidental closing costs will be the responsibility of the Department.

Linda Hanson specifically noted the history on funding for this project.

Motion was made by Commissioner Marcantonio to approve the purchase of 40 acres of land at South Pine Creek Area in Winneshiek County from the Iowa Natural Heritage Foundation for \$5,000. Seconded by Commissioner Duncan. Motion carried unanimously.

LAND ACQUISITION APPROVED

South Pine Creek Area, Winneshiek County—Iowa Natural Heritage Foundation

The Natural Resource Commission's approval is requested for assignment of a Conservation Easement located in Winneshiek County. DNR's South Pine Creek Area, adjoins the property to the east of the easement area. The Iowa Natural Heritage Foundation (INHF) offers to assign the 20-acre conservation easement as a donation

Travis Baker negotiated the assignment agreement.

This property is located in northeastern Winneshiek County, Iowa, approximately 4 miles south of Highlandville. The easement is located directly south of the 40-acre proposed acquisition at South Pine Creek.

Incidental closing costs will be the responsibility of the Department.

Motion was made by Commissioner Schneider to approve the donation of a 20-acre easement from the Iowa Natural Heritage Foundation at the South Pine Creek Area in Winneshiek County. Seconded by Commissioner Duncan. Motion carried unanimously.

EASEMENT DONATION APPROVED

Discussion continued regarding what stipulations are in an easement. Commissioner Francisco suggested easement conditions or provisions should be included in future items.

Pool Slough Wildlife Management Area, Allamakee County--Zeimet

The Natural Resource Commission's approval is requested to purchase a parcel of land located in Allamakee County. DNR's Pool Slough Wildlife Management Area surrounds the entire property. Thomas & Goldie Zeimet offer the 40-acre parcel for the appraised price of \$72,000.

Daniel K. Kinsinger, Licensed Appraiser, of Iowa City, Iowa, submitted the appraisal. Travis Baker negotiated the purchase agreement.

This property is located in northeast Allamakee County, Iowa, approximately ½ mile southwest of New Albin. The entire tract is open bottomland with vegetative cover. Pool Slough Wildlife Management Area is a large wetland complex reflecting wildlife habitat and public recreation opportunities. The property will be managed for migratory waterfowl, shorebirds and wading birds.

This acquisition will become part of the 600-acre Pool Slough Wildlife Management Area and will be managed by the Conservation and Recreation Division in accord with the area management plan.

Funding used for this acquisition will be Great River Corridor Ducks Unlimited NAWCA. Survey and incidental closing costs will be the responsibility of the Department.

<i>Motion was made by Commissioner Duncan to approve the purchase of 40 acres of land at Pool Slough Wildlife Management Area in Allamakee County for the appraised price of \$72,000 from Thomas and Goldie Zeimet. Seconded by Commissioner Schneider. Motion carried unanimously.</i>
--

LAND ACQUISITION APPROVED

Pine Creek Wildlife Management Area, Clayton County--INHF

The Natural Resource Commission's approval is requested to purchase a parcel of land located in Clayton County. Federally owned land adjoins to the south and east of the property. The Iowa Natural Heritage Foundation (INHF) offers the 48.88-acre parcel for \$70,650. The appraised value is \$78,500.

Ed Roach, Licensed Appraiser, of Plainfield, Iowa, submitted the appraisal. Travis Baker negotiated the purchase agreement.

This property is located in south central Clayton County, Iowa. Elkader, the county seat, is located about 20 miles to the northwest. Physical features of the property include Pine Creek with adjacent bottomland pasture and heavily forested limestone bluffs. Pine Creek flows primarily just inside the north and northwesterly boundary of the tract. Topography ranges widely from nearly level to very steep. Acquisition of this tract will protect sinkholes and buffer

an algific slope on land owned by the US Fish & Wildlife Service (USFWS). The slope has a population of the threatened (state and federal) plant species known as the Northern Monkshood.

This acquisition will become part of the Pine Creek Wildlife Management Area and will be managed by the USFWS in accord with the area management plan.

Funding used for this acquisition will be Section 6-Engandangered Species. Incidental closing costs will be the responsibility of the Department.

Commissioner Christiansen talked about the necessity of protecting the sinkholes and buffering the algific slope which contains the threatened Northern Monkshood.

Motion was made by Commissioner Christiansen to approve the purchase of 48.88 acres of land at the Pine Creek Wildlife Management Area in Clayton County from the Iowa Natural Heritage Foundation for the appraised price of \$78,500. Seconded by Commissioner Duncan. Motion carried unanimously.

LAND ACQUISITION APPROVED

Goose Lake Wildlife Management Area, Clinton County—Phoenix Farms

The Natural Resource Commission's approval is requested to purchase a parcel of land located in Clinton County, adjacent to the north side of the DNR's Goose Lake Wildlife Management Area. Phoenix Farms Co. (Lloyd Harmsen, President) offer the 95-acre parcel for the appraised price of \$342,000. The seller will retain two years of agricultural rights, including the existing CRP contract. The seller agrees to remain in compliance, as operator, with all FSA regulations regarding the CRP contract.

Daniel K. Kinsinger, Licensed Appraiser, of Iowa City, Iowa, submitted the appraisal. Travis Baker negotiated the purchase agreement.

This property is located in northeast Clinton County, Iowa, approximately one mile northwest of Goose Lake. The topography is nearly level with some areas hampered by wetness due to the high water table and marsh soil types. Acquisition of this property will allow the DNR improved water level management and eliminate flooding liability at Goose Lake.

This acquisition will become part of the 1,050-acre Goose Lake Wildlife Management Area and will be managed by the Conservation and Recreation Division in accord with the area management plan.

Funding used for this acquisition will be State Wildlife Grant (SWG – 50%) and Wildlife Habitat Stamp (50%). Survey and incidental closing costs will be the responsibility of the Department.

Linda Hanson stated that since the land being purchased was funded in part by Habitat Stamp funds, the entire purchase will remain on the tax rolls.

Motion was made by Commissioner to approve the purchase of 95 acres of land at Goose Lake Wildlife Management Area in Clinton County from Phoenix Farms Co. for the appraised price of \$342,000. Seconded by Commissioner Marcantonio. Motion carried unanimously.

LAND ACQUISITION APPROVED

McCausland Wildlife Management Area, Scott County--Diercks

The Natural Resource Commission's approval is requested to purchase a parcel of land located in Scott County, adjacent to the west side of the DNR's McCausland Wildlife Management Area. Martin & June Diercks offer the 20-acre parcel for the appraised price of \$20,000.

Daniel K. Kinsinger, Licensed Appraiser, of Iowa City, Iowa, submitted the appraisal. Travis Baker negotiated the purchase agreement.

This property is located in northeast Scott County, Iowa, within the southeastern corporate limits of McCausland. The property is zoned Recreational – Parks & Wetlands. Acquisition of this tract will improve water level management capabilities on existing state land.

This acquisition will become part of the 160-acre McCausland Wildlife Management Area and will be managed by the Conservation and Recreation Division in accord with the area management plan.

Funding used for this acquisition will be Great River Corridor Ducks Unlimited NAWCA. Survey and incidental closing costs will be the responsibility of the Department.

<i>Motion was made by Commissioner Duncan to approve the purchase of a 20-acre parcel of land at McCausland Wildlife Management Area in Scott County from Martin and June Diercks for the appraised price of \$20,000. Seconded by Commissioner Marcantonio. Motion carried unanimously.</i>
--

LAND ACQUISITION APPROVED

Loess Hills State Forest, Harrison County—Iowa Natural Heritage Foundation

The Natural Resource Commission's approval is requested to purchase a tract of land located in Harrison County. The Iowa Natural Heritage Foundation (INHF) offers this 160-acre tract for the price of \$275,000 (appraised price is \$296,000, or \$1,850 per acre). This offer is contingent upon a reservation of the agricultural use of the property through the 2005 crop year to John and Carole Kress.

Marilyn Boustead, Licensed Appraiser, of Woodbine, Iowa, submitted the appraisal. Rick Hansen negotiated the purchase agreement.

The Natural Resource Commission approved the purchase of this tract from John and Carole Kress at its December 13, 2001 meeting. The acquisition was subject to the State of Iowa's Legislature appropriation of funding into the REAP Open Spaces account for the 2003 fiscal year (FY). The REAP account did not receive appropriation for land acquisition in FY 2003. The Department then assigned its option to purchase the property to INHF, which in turn acquired the tract in November 2002 at the appraised price of \$262,075 through the Blufflands Protection Program Revolving Loan Fund (161A.80, Code of Iowa, 2003). INHF is now offering to sell the property and repay the loan fund.

This property is located just northwest of Pisgah in northwest Harrison County. The property consists of 117-acres of rolling cropland, 23-acres of native timber, and 20-acres of pasture. The average CSR of the property is 49.5. There are no building improvements. This is an aesthetic parcel; its view includes the Missouri River Valley, Murray Hill, and an overlook of Pisgah. Access to the property is provided along the south and the east by other State Forest land.

This acquisition will become a part of the Preparation Canyon Unit of the Loess Hills State Forest. The Forestry Bureau will manage this tract of land in accord with the area management plan.

Acquisition funding will be provided by REAP Open Spaces. No fencing or survey costs are anticipated. Incidental closing costs will be the responsibility of the Department.

Motion was made by Commissioner Marcantonio to approve the purchase of a 160-acre trace of land at Loess Hills State Forest in Harrison County from the Iowa Natural Heritage Foundation for the price of \$275,000. Seconded by Commissioner Schneider. Motion carried unanimously.

LAND ACQUISITION APPROVED

BUDGET REQUEST FOR FY06

Linda Hanson, Administrator, Management Services Division, presented the following item.

Attached for the Commission's approval is a summary document listing the Department's appropriation requests for Fiscal Year (FY) 2006. As has been our practice, the document compares the actual FY 05 appropriation levels with the FY 06 proposed appropriation request. As you will note, there is little difference between the two. The Department will submit a "status quo" budget for FY 06 to comply with the statutory deadline of October 1, 2004; however, we will be given an opportunity to seek additional appropriated funds.

In a parallel process termed "Purchasing Results," the Governor and the Lt. Governor have asked Executive Branch departments and agencies to go through a very different budget exercise this year. The process does not follow the traditional method of beginning with a base budget and adding and subtracting. Instead, it begins with the results Iowans want from their state government. Departments are to develop "offers" for achieving results within the resources that will be allocated. Each offer will respond to one or more of the six Leadership Agenda goals:

- Transforming Iowa's Economy
- Improving Student Achievement
- Improving Iowans' Health
- Improving Community Safety
- Improving the Quality of Iowa's Natural Resources
- Improving Government Performance and Accountability

All offers responding to a given result will be evaluated against one another and will compete for the dollars allocated to that result.

The “Purchasing Results” process will be discussed more fully at our meeting.

Please note: There was an error in the previous informational item at the August 12, 2004 Commission meeting, under General Fund Appropriations, Department Operation. The FY05 and FY06 amount has been changed from \$17,029,077 to \$16,929,077. The correction has been made on the attachment.

**DEPARTMENT OF NATURAL RESOURCES
FY 05 APPROPRIATION SUMMARY**

APPROPRIATION NAME	FY05 APPROP	FY06 REQUEST	\$CHANGE FY05 APPROP OVER FY06 REQUEST
<u>GENERAL FUND APPROPRIATIONS</u>			
Department Operations*	\$16,929,077	\$16,929,077	\$0
Total General Fund Appropriation	\$16,929,077	\$16,929,077	\$0
<u>TOBACCO SETTLEMENT FUNDS</u>			
Lewis and Clark Rural Water **	\$2,450,000	\$2,500,000	\$50,000
Total Tobacco Settlement Appropriation	\$2,450,000	\$2,500,000	\$50,000
<u>INFRASTRUCTURE</u>			
Destination Park	\$500,000	\$500,000	\$0
Total Infrastructure Appropriation	\$500,000	\$500,000	\$0
<u>ENVIRONMENT FIRST</u>			
Resource Enhancement and Protection	\$11,000,000	\$11,000,000	\$0
Marine Fuel Tax Capitals	\$2,300,000	\$2,300,000	\$0
Lake Restoration Program	\$1,000,000	\$1,000,000	\$0
Water Quality Monitoring	\$2,955,000	\$2,955,000	\$0
GIS Data for Watershed Managers	\$195,000	\$195,000	\$0
Keepers of the Land Volunteer Program	\$100,000	\$100,000	\$0
Park Operations & Maintenance	\$2,000,000	\$2,000,000	\$0
Air Quality Monitoring/Livestock Monitoring	\$500,000	\$500,000	\$0
Water Supply Appropriation	\$500,000	\$500,000	\$0
Total Environment First Appropriation	\$20,550,000	\$20,550,000	\$0
<u>NON-GENERAL FUND APPROPRIATIONS</u>			
Fish and Wildlife Operations	\$31,220,766	\$31,220,766	\$0
Groundwater Fund	\$11,994,000	\$11,994,000	\$0

UST Administration Match	\$200,000	\$200,000	\$0
Snowmobile Transfer to Fish & Wildlife	\$100,000	\$100,000	\$0
Boat Registration Transfer to Fish & Wildlife	\$1,400,000	\$1,400,000	\$0
Total Non General Fund Appropriations	\$44,914,766	\$44,914,766	\$0

TOTAL	\$85,343,843	\$85,393,843	\$50,000
TOTAL DEPARTMENTAL FTE	1105.46	1105.46	0.00

* Includes \$359,795 estimated fy 05 appropriation transfer from Department of Administrative

Services for central service charges.

** FY 06 appropriated during FY 02

Legislative Session

revised 7/28/04

Linda Hanson reviewed that the department will submit a “status quo” budget for FY 06. She said the department’s offer packages have been submitted to the Governor’s Office and Buying Teams are in the process of interviewing staff regarding those offers.

Discussion continued regarding the new budgeting process. It was noted that this is an effort for the Governor to screen less important state functions. The process involved cross division work and reinforces the effort of the department’s bureaus and divisions to work together.

Director Vonk announced that the department will not be a Charter Agency this year. He explained that our Charter Agency Agreement is renegotiated annually and our department was asked to increase its participation amount to a point that we feel it would be too great a risk. Staff will be researching new ideas on ways to enhance the General Fund.

Motion was made by Commissioner Schneider to approve the Fiscal Year 2006 Budget Request. Seconded by Commissioner Christiansen. Motion carried unanimously.

FY 06 BUDGET APPROVED

CONSERVATION AND RECREATION DONATIONS

Michael Brandrup, Administrator, Conservation and Recreation Division, presented the following item.

The Natural Resource Commission is requested to approve the following donations

Parks Bureau

Roy and Elaine Sunken donated a load of gravel valued at \$135.00 for campsite improvements at Beeds Lake State Park.

Garriett Eaton donated time and materials on sidewalk and picnic sites at Mines of Spain Recreation Area towards his Eagle Scout. The project included construction of 2 sidewalks, 2

concrete pads with a picnic table fastened in the concrete. The total value of the donation of time and materials is \$5120.35.

The following donations were made towards the parking lot expansion at the Pilot Kob Recreation Area (McGrady Area) for contracting heavy equipment and gravel:

Russell Engstler	25.00
Gary Bachman	2.00
Don Gobeli	20.00
Terry Hauge	15.00
Kevin Kuhlman	25.00
Garner Saddle Club	150.00
Jerry Meyers	25.00
John Giesman	50.00
Horsemen of Iowa	500.00
Daryl Upmeyer	50.00

John Marino	20.00
HRU Saddle Club	100.00
Mel Thede/Dawn Larsen	20.00
Leon Dumstroff	40.00
Carl Bormann	20.00
Ken Mark	25.00
Winnebago Indust. Found	500.00
John K & Luese V	7406.00
Handon Foundation	
TOTAL	8993.00

Fisheries Bureau

Melvin Dodds and Karthy Starman-Dodds donated \$2285.00 in memory of their son Randy Dodds. The money will be used as requested to place fish habitat in Lost Grove Lake to improve fishing opportunities.

Motion was made by Commissioner Marcantonio to accept the Conservation and Recreation donations. Seconded by Commissioner Schneider. Motion carried unanimously.

DONATIONS APPROVED

PETITION FOR RULEMAKING—NOTICE OF INTENDED ACTION—CHAPTER 64, METAL DETECTORS USE IN STATE AREAS

Michael Brandrup, Administrator, Conservation and Recreation Division, presented the following item.

The department received a letter dated November 18, 2003, from Dave Swanson of Greenfield, Iowa requesting to petition the department to consider changing the current administrative rules concerning the use of metal detectors in state parks and lands controlled by the department. Park staff sent a letter to Mr. Swanson inviting him to meet with the bureau chief of state parks to discuss metal detecting use. The letter also requested that if he wished to file a formal petition for rulemaking, to resubmit the petition following the uniform rules and procedures adopted by the department as required by Iowa Code, Chapter 17A. Mr. Swanson chose not to meet with park staff but he did submit a formal petition February 3, 2004. The petition included a number of requests which would offer the least restrictive interpretation/regulation regarding metal detecting in state parks (see attached letter and petition). On February 9, 2004 staff met with Representative Polly Granzow to discuss the metal detecting rules in response to her inquiry on behalf of a constituent. The department then received a petition for rulemaking from Representative Granzow on March 26, 2004. This petition asked only to increase the hours a metal detector is allowed on beaches from May 22 to September 7 (see attached petition.)

The metal detecting rules have not been reviewed or changed since 1986. Staff concurred that the rules should be reviewed. Because the petitions were received in February and March, staff was concerned they would not be able to meet the 60-day response requirement found in Iowa Code, Chapter 17. Iowa Code Chapter 17A states within 60 days of receipt of a petition, the agency shall deny the petition (in writing) or initiate rulemaking proceedings." The department contacted the two petitioners to request an extension of time to review the petition and current rules and put together any proposed notice of intended action or denial of petition recommendation. Both parties approved the request for an extension.

Park staff met with Mr. Swanson in April 2004 in Greenfield to discuss the current rules, his petition and the comments and concerns the department had and the comments and concerns the Mr. Swanson had. The department also contacted staff with the Office of the State Archaeologist (OSA) and State Historic Preservation Office (SHPO) to discuss the current rules, the proposed petitions and their views and comments regarding protection of cultural and historic resources.

In June, a meeting was held with Mr. Swanson, DNR staff, SHPO staff and staff from OSA to meet face-to-face and discuss the issues each party had with current rules and the petitioners' proposals. It was at this meeting, staff hoped to be able to formulate a proposed notice of intended action to change the rules. Mr. Swanson granted the department an additional extension of time to look into a couple of issues before putting together a staff recommended notice of intended action. Representative Granzow was contacted by phone to update her on the meeting and request her approval for an additional extension of time, which she approved.

Based on the meetings held and information collected and items researched, staff recommends initiating rulemaking. Furthermore, commission approval is requested for publication of a Notice of Intended Action to amend Chapter 64, "Metal Detectors Use in State Areas". The amendments include:

1. Clarify the definition of a beach or beach area.
2. Changes the areas where metal detecting use is allowed to include only designated beaches and drained lakes.
3. Increase the number of hours metal detecting is allowed on designated beaches during the main recreation season.
4. Changes when a metal detector may be used on a drained lake to take into account archaeological/cultural resources.
5. Add a provision to allow metal detecting use for archaeological and scientific studies.
6. Change the code reference for found items to reflect the current code number.
7. Clarify language to require written approval to search for lost items.
8. Clarify language regarding digging limitations and restoration to reflect the type of tool being used.
9. Clarify existing language regarding disposal of litter.

NATURAL RESOURCE COMMISSION [571]

Notice of Intended Action

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 64, "Metal Detectors Use in State Areas," Iowa Administrative Code.

The amendment accomplishes the following:

1. Clarify the definition of a beach or beach area.
2. Changes the areas where metal detecting use is allowed to include only designated beaches and drained lakes.
3. Increases the number of hours metal detectors may be used on the beach area during the main recreation season.
4. Changes when a metal detector may be used on drained lake to take into account archaeological resources.
5. Adds a provision to allow metal detecting use for archaeological and scientific studies.
6. Change the code reference for found items to reflect the current code number.
7. Clarify language to require written approval to search for lost items.
8. Clarify language regarding the digging limitations and restoration to reflect the type of tool being used.
9. Clarifying existing language regarding disposal of litter.

Any interested person may make written suggestions or comments on the proposed amendment on or before October 20, 2004. Such written materials should be directed to the State Parks Bureau, Department of Natural Resources, Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Bureau at (515)242-6233 or TDD (515)242-5967 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

There will be a public hearing on October 20, 2004, at 10 a.m. in the Fourth Floor West Conference Room of the Wallace State Office Building at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

The amendment is intended to implement Iowa Code sections 461A.3, 461A.35.

The following amendment is proposed.

ITEM 1. Amend rule 61.4(461A) as follows:

Beach or *beach area* means that portion of state parks or recreation areas designated for swimming activity including the sand, a 200 foot buffer of land surrounding the sand or a designated area which is fenced in, and the water area contiguous to the beach as marked by swim buoys and/or swim lines.

ITEM 2. Strike rules 64.2(461A) and 64.3(461A) and replace with the following **new** rule and subrules:

571--64.2(461A) Use areas. Metal detector use in state parks and recreation areas is prohibited except in the following areas:

64.2(1) Designated beach areas. From May 22 to September 7 inclusive of each year, metal detectors may be used on designated beach areas from 4:00 a.m. to 10:00 a.m. each day. From September 8 to May 21 inclusive of each year, metal detectors may be used on designated beach areas during the hours established in 571-61.1(461A).

64.2(2) Drained lakes. When an artificial lake has been completely drained for any reason, metal detector use may be allowed during the hours established in 571-61.1(461A) only after the lakebed has been thoroughly surveyed for archaeological resources, and a survey report has been completed and approved by the State Historic Preservation Office.

ITEM 3. Add the following new rule and renumber all subsequent rules and subrules:

571—64.3(461A) Archaeological/scientific studies. In the case where the use of a metal detector may support an archaeological or scientific study, a permit may be issued by the manager in charge of the property. Review of all permit applications shall be coordinated with the State Historic Preservation Officer and the State Archaeologist. The DNR shall take the State Historic Preservation Officer's and the State Archaeologist's views into account before acting upon the issuance of a permit.

ITEM 4. Amend rule 64.5(461A) as follows:

571—64.54(461A) Found items. All items found are subject to the provisions of Iowa Code chapter 644 556F.

ITEM 5. Amend rule 64.6(461A), introductory paragraph, as follows:

571—64.65(461A) Lost item search by owner. An owner of lost property may use a metal detector to search for that item in an area where such use is prohibited by 64.3(111) under the following conditions.

ITEM 6. Amend subrule 64.6(1) as follows:

64.65(1) Approval Written approval has been granted by the director of the department of natural resources or designee.

ITEM 7. Amend subrule 64.8(1) as follows:

64.87(1) In recovering items located below the ground, the earth is not to be unduly disturbed with all excavations limited to less than 3 inches square when using probes and 10 inches in diameter when used sand scoops or sieves.

ITEM 8. Amend rule 64.9(461A) as follows:

571-64.98(461A) Disposal of litter. Persons using metal detectors shall wear or carry a litter apron or bag, and all litter that is recovered shall be disposed of in approved trash receptacles.

Date

Jeffrey R. Vonk, Director

Mike Brandrup reviewed that requests for Petition for Rulemaking regarding metal detector use in state parks were received by the department. He said staff reviewed the rules and held meetings to talk with the petitioners. Mr. Brandrup introduced Dan Higginbottom from the State Historic Preservation Office/State Historical Society of Iowa, which serves under the Department of Cultural Affairs. That department is mandated to focus on the federal side of historical properties and to provide assistance to other agencies. Mr. Higginbottom provided background information on metal detector laws with regard to the federal side of historical properties. It was

noted that the proposed rule is a compromise between DNR, the petitioners and Cultural Affairs advice.

Commissioner Duncan questioned the time restriction of metal detecting on state public beaches. Mr. Brandrup explained that the metal detector rules have always been in place, noting that there has been some interference with other beach use and the rules are a way of providing information and controlling damage on other areas of the park. He added that after the use season is over, the time limit on metal detecting on beaches is lifted.

Motion was made by Commission Duncan to approve Notice of Intended Action—Chapter 64, Metal Detector Use in State Areas. Seconded by Commissioner Christiansen. Motion carried unanimously.

NOTICE APPROVED

NOTICE OF INTENDED ACTION—CHAPTER 79, FISH STOCKING PROCEDURES FOR PRIVATE WATERS

Michael Brandrup, Administrator, Conservation and Recreation Division, presented the following item.

Approval is requested to file a Notice of Intended Action to adopt Chapter 79, Fish Stocking Procedures for Private Waters Rule. Iowa Code section 481A.78 authorizes that the commission may, after investigation to determine their suitability as to size, depth, living conditions for fish, and management, provide a breeding stock of fish for privately owned farm ponds on request of the owner. This new chapter is intended to set in rule form the current farm pond stocking policy and add a fee to recover the cost of the program. The fee reflects the cost of rearing and distributing fish to landowners in their efforts to provide quality angling to fellow Iowans.

The farm pond program is one of the most beneficial programs for Iowa anglers. New ponds meeting minimum criteria are stocked with a balance of fish that provide optimum fishing opportunities for the angling public. Thirteen percent of fishing trips by licensed anglers occurs on private farm ponds. This amounts to over 1.4 million fishing trips each year. Recovering program costs will reduce criticism from private aquaculture interests and yet still convey a benefit to the pond owners and fishing public.

**NATURAL RESOURCE COMMISSION [571]
Notice of Intended Action**

Pursuant to the authority of Iowa Code section 455A.5(6), the Iowa Department of Natural Resources hereby proposes to adopt new Chapter 79, “Fish Stocking Procedures for Private Waters,” Iowa Administrative Code.

Iowa Code section 481A.78 authorizes that the commission may, after investigation to determine their suitability as to size, depth, living conditions for fish, and management, provide a

breeding stock of fish for privately owned farm ponds on request of the owner. The new chapter is intended to define procedures and fees for the stocking of private waters to assist landowners in their efforts to provide quality angling to fellow Iowans.

Any interested person may make written suggestions or comments on this proposed new chapter prior to October 22, 2004. Such written materials should be directed to Mike Mason, Iowa Department of Natural Resources, Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Fisheries Bureau at (515)281-6072 or at the Fisheries Bureau offices on the fourth floor of the Wallace State Office Building.

There will be a public hearing on October 22, 2004, at 1:00 p.m. in the Fourth Floor West Conference Room of the Wallace State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the rule.

Any person who intends to attend the public hearing and has special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

These rules are intended to implement Iowa Code sections 456A.24 and 481A.78.

The following new chapter is proposed.

CHAPTER 79

FISH STOCKING PROCEDURES AND FEES FOR PRIVATE WATERS

571-79.1(481A) Purpose. This chapter establishes procedures and fees for the stocking of private waters.

571-79.2(481A) Application procedures.

79.2 (1) Eligibility

Upon application and payment of fees, any owner of a pond may receive fish stocks for private waters, provided all of the following conditions are met:

- 1) The pond is newly impounded or has been drained and refilled or is free of fish.
- 2) Livestock are, and will continue to be excluded from the impoundment area with a 60-foot minimum buffer between pond edge and fence.
- 3) The pond is at least ½ acre and no more than 10 acres in size.
- 4) The pond has a maximum depth of at least 8 feet.

79.2 (2) The following procedures shall be used to administer the stocking of private waters:

- 1) Application shall be made on a standard form provided by the department and shall include the name, address, and telephone number of the pond owner and the location and physical information on the pond to be stocked.

- 2) The pond owner shall submit the appropriate fee with the application to the department.

- 3) A department employee will review the pond information as to eligibility.

- 4) An application shall not be accepted after August 15 of each year for fish stocking that same year.

- 5) If the application is rejected, the pond owner shall be refunded all fees.

79.2 (3) Limitations

- 1) Pursuant to Iowa Code 481A.141, a pond stocked by the department pursuant to section 481A.78 shall not be used for aquaculture purposes.
- 2) The landowner retains full rights to control access to their land, but all fish are subject to Iowa Department of Natural Resources fishing regulations.
- 3) Once an application has been accepted, fees are nonrefundable.

79.2 (4) Customer obligation

- a. Fish stocks will be delivered to one site in a county, with advance notice of time and place provided to each approved applicant by the department. It is the responsibility of each pond owner to pick up the fish and place them in the designated waters.

571-79.3 (481A) Fish stocks**79.3 (1) Fish species provided and stocking rates.**

Species provided and maximum stocking rates by the department are: largemouth bass – 70/acre, bluegill – 1000/acre and channel catfish – 100/acre. The stocking cycle begins in October with the delivery of bluegill and channel catfish. The cycle is then completed during June of the following year with the delivery of largemouth bass.

571-79.4 (481A) Fees

79.4 (1) Stocking fee will be \$25 per acre or fraction of an acre. Fees are as follows:

- 0.5-1.0 acre = \$ 25
- 1.1-2.0 acre = \$ 50
- 2.1-3.0 acre = \$ 75
- 3.1-4.0 acre = \$ 100
- 4.1-5.0 acre = \$ 125
- 5.1-6.0 acre = \$ 150
- 6.1-7.0 acre = \$ 175
- 7.1-8.0 acre = \$ 200
- 8.1-9.0 acre = \$ 225
- 9.1- 10.0 acre = \$250

Date

Jeffrey R. Vonk, Director

Michael Brandrup introduced Don Bonneau, Fisheries Management Supervisor, who reviewed the proposed rule. Mr. Bonneau explained that starting in the fall of 2005 a stocking fee of \$25 per acre will be charged for stocking a private pond. This fee reflects the cost of rearing and distributing fish to landowners. He stated that the farm pond program is very beneficial to Iowa and the advisory visits with the landowner by a natural resource professional is an educational tool toward providing information on size, depth, and types of breeding stock for privately owned farm ponds, similar to the services provided in the private lands and wildlife programs.

Motion was made by Commissioner Schneider to approve Notice of Intended Action—Chapter 79, Fish Stocking Procedures for Private Waters Rule. Seconded by Commissioner Duncan. Motion carried unanimously.

NOTICE APPROVED

NOTICE OF INTENDED ACTION—CHAPTER 61, STATE PARKS AND RECREATION AREAS

Michael Brandrup, Administrator, Conservation and Recreation Division, presented the following item.

Commission approval is requested for publication of a Notice of Intended Action to amend Chapter 61, "State Parks and Recreation Areas". The amendments include:

1. Add Banner Lakes at Summerset State Park to the state park definition list.
2. Change language to clarify that campers must vacate the "park" rather than the "area" for three days before returning. There has been confusion with the public when there are two separate campgrounds close by within the same park.
3. Increase the cabin rental fees at Pine Lake State Park to reflect fees similar cabins in other parks.
4. Establish camping cabin rental fees for the new camping cabins being built at Brushy Creek State Recreation Area and Honey Creek State Park.

**NATURAL RESOURCE COMMISSION [571]
Notice of Intended Action**

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 61, "State Parks and Recreation Areas," Iowa Administrative Code.

The amendment accomplishes the following:

1. Add the newest state park, Banner Lakes at Summerset State Park, to the list of state parks in the definitions section.
2. Change the language to clarify that campers must vacate the "park" rather than the "area" for three days before returning. There are a few parks that have more than one campground within close proximity to each other which created confusion for the public.
3. Increase the cabin rental fees at Pine Lake to reflect similar cabins and fees.
4. Establish new fees for the new camping cabins at Brushy Creek State Recreation Area and Honey Creek State Park.

Any interested person may make written suggestions or comments on the proposed amendment on or before October 21, 2004. Such written materials should be directed to the State Parks Bureau, Department of Natural Resources, Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their

views orally should contact the Bureau at (515)242-6233 or TDD (515)242-5967 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

There will be a public hearing on October 19, 2004, at 1:00 p.m. in the Fifth Floor East Conference Room of the Wallace State Office Building at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

The amendment is intended to implement Iowa Code sections 461A.3, 461A.49, 461A.47 and 461A.57.

The following amendment is proposed.

ITEM 1. Amend rule 61.2(461A), "state park" as follows.

"*State park*" means the following areas managed by the state and designated by action of the natural resource commission:

<u>Area</u>	<u>County</u>
A. A. Call	Kossuth
Backbone	Delaware
<u>Banner Lakes at Summerset</u>	<u>Warren</u>
Beed's	Lake Franklin
Bellevue	Jackson
Big Creek	Polk
Black Hawk	Sac
Cedar Rock	Buchanan
Clear Lake	Cerro Gordo
Dolliver Memorial	Webster
Elinor Bedell	Dickinson
Elk Rock	Marion
Fort Atkinson	Winneshiek
Fort Defiance	Emmet
Geode	Henry and Des Moines
George Wyth	Black Hawk
Green Valley	Union
Gull Point	Dickinson
Honey Creek	Appanoose
Lacey-Keosauqua	Van Buren
Lake Ahquabi	Warren
Lake Anita	Cass
Lake Darling	Washington
Lake Keomah	Mahaska
Lake Macbride	Johnson
Lake Manawa	Pottawattamie
Lake of Three Fires	Taylor
Lake Wapello	Davis

Ledges	Boone
Lewis and Clark	Monona
Maquoketa Caves	Jackson
McIntosh Woods	Cerro Gordo
Mini-Wakan	Dickinson
Nine Eagles	Decatur
Okamanpedan	Emmet
Palisades-Kepler	Linn
Pikes Peak	Clayton
Pikes Point	Dickinson
Pilot Knob	Winnebago
Pine Lake	Hardin
Prairie Rose	Shelby
Preparation Canyon	Monona
Red Haw	Lucas
Rice Lake	Winnebago
Rock Creek	Jasper
Shimek Forest Campground	Lee
Springbrook	Guthrie
Stephens Forest Campground	Lucas
Stone	Plymouth and Woodbury
Trapper's Bay	Dickinson
Twin Lakes	Calhoun
Union Grove	Tama
Viking Lake	Montgomery
Walnut Woods	Polk
Wanata	Clay
Wapsipinicon	Jones
Waubonsie	Fremont
Wildcat Den	Muscatine
Yellow River Forest Campground	Allamakee

ITEM 2. Amend paragraph 61.3(5)"a" as follows:

g. Campers shall vacate the campground or register for the night prior to 4 p.m. daily. Registration can be for more than 1 night at a time but not for more than 14 consecutive nights. All members of the camping party must vacate the state park campground after the fourteenth night and may not return to ~~that same area~~ the park until a minimum of 3 nights has passed. All equipment must be removed from the site at the end of each stay. The 14-night limitation shall not apply to volunteers working under a department of natural resources program.

ITEM 3. Amend subrule 61.4(1) as follows:

a. *Cabin rental.* This fee does not include tax. Tax will be calculated at time of final payment.

	<u>Per Night*</u>	<u>Per Week</u>
Backbone State Park, Delaware County		
Renovated cabins	\$ 50	\$300
Two-bedroom cabins	85	510
Deluxe cabins	100	600

Brushy Creek State Recreation Area, Webster County	35	210
Dolliver Memorial State Park, Webster County	35	210
Green Valley State Park, Union County	35	210
Honey Creek State Park, Appanoose County	35	210
Lacey-Keosauqua State Park, Van Buren County	50	300
Lake Darling State Park, Washington County	35	210
Lake of Three Fires State Park, Taylor County	50	300
Lake Wapello State Park, Davis County (Cabin Nos. 1-12)	60	360
Lake Wapello State Park, Davis County (Cabin No. 13)	85	510
Lake Wapello State Park, Davis County (Cabin No. 14)	75	450
Palisades-Kepler State Park, Linn County	50	300
Pine Lake State Park, Hardin County		
Sleeping-area cabins (four-person occupancy limit)	50 65	300 390
One-bedroom cabins	65 75	390 450
Pleasant Creek State Recreation Area, Linn County	25	150
Springbrook State Park, Guthrie County	35	210
Wilson Island State Recreation Area, Pottawattamie County	25	150
Extra cots, where available	1	
*Minimum two nights		

Michael Brandrup reviewed the changes to the rule.

Motion was made by Commissioner Christiansen to approve Notice of Intended Action—Chapter 61, State Parks and Recreation Areas. Seconded by Commissioner Duncan. Motion carried unanimously.

NOTICE APPROVED

NOTICE OF INTENDED ACTION—CHAPTER 27, LAND AND WATER CONSERVATION FUND

Michael Brandrup,, Administrator, Conservation and Recreation Division, presented the following item.

Commission approval is requested for publication of a Notice of Intended Action to amend Chapter 27, “Lands and Waters Conservation Fund Program”. The amendments include:

1. Clean up language in the rule to reflect some changes that have occurred since the last rule change. This includes correcting the acronym to LWCF, changing the League of Municipalities to League of Cities and adding some language to clarify some of the rules without changing the intent or content of the rule.
2. Change language to clearly state the applications are due in March of each year.
3. Change the make-up of the review committee to include a representative from the county conservation board system and representative from the cities, either the

League of Cities or Iowa Park and Recreation Association. Currently there are three DNR members on the committee.

4. Remove the rule stating that state grant applications will be returned if not selected. This is consistent with how staff is handling the local grant applications.
5. Change the rule regarding project billing frequency to allow for no more than two project billings and a final project billing.

NATURAL RESOURCE COMMISSION [571]

Notice of Intended Action

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 27, "Lands and Waters Conservation Fund Program," Iowa Administrative Code.

The amendment accomplishes the following:

1. Updates the acronym LWCF reference throughout the chapter.
2. Clarify language for assistance ceiling and SCORP.
3. Clarify language as to when the applications are due each year.
4. Change the make-up of the review committee to include a representative from the county conservation board and a representative from the cities.
5. Add a new bonus point category for recycled content materials for local and state project applications.
6. Remove the rule stating state grant applications will be returned if not selected.
7. Change League of Municipalities to League of Cities.
8. Insert language that states "projects which are approved by the administering federal agency".
9. Strike the existing rule regarding project billing frequency and insert a new rule allowing for no more than two project billings plus a final project billing.

Any interested person may make written suggestions or comments on the proposed amendment on or before October 19, 2004. Such written materials should be directed to the State Parks Bureau, Department of Natural Resources, Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Bureau at (515)242-6233 or TDD (515)242-5967 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

There will be a public hearing on October 19, 2004, at 1:00 p.m. in the Fifth Floor East Conference Room of the Wallace State Office Building at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

The amendment is intended to implement Iowa Code sections 456A.27, 456A.28, 456A.29, 456A.30, 456A.31, 456A.32, 456A.33, 456A.34 and 456A.35.

The following amendment is proposed.

ITEM 1. Amend rules 27.1(456A), 27.2(456A), 27.3(456A), 27.4(456A), 27.6(456A), and 27.14(456A) to strike the "&" from all L&WCF references. The correct acronym will now read "LWCF".

ITEM 2. Amend rule 27.4(456A) as follows:

571—27.4(456A) Assistance ceiling. Local entities are eligible to receive annual assistance from the ~~L&WCF~~ LWCF in accordance with the following schedule:

Population of Area of Jurisdiction	L&WCF <u>LWCF</u> Assistance Ceiling
0– 1,000	\$ 50,000
1,001– 5,000	75,000
5,001–10,000	100,000
10,001–25,000	125,000
25,001–50,000	150,000
50,001–75,000	175,000
over 75,000	200,000

ITEM 3. Amend subrule 27.5(1) as follows:

27.5(1) Form of application. Grant applications for both state and local projects shall be on forms and following guidelines provided by the department. Projects selected for funding with land and water conservation assistance must be in accordance with state comprehensive outdoor recreation plan (SCORP) priorities.

ITEM 4. Amend subrule 27.5(2) as follows:

27.5(2) Application timing. The following information applies to local projects only. Grant applications and amendment requests which increase the existing grant amount shall be reviewed and selected for funding on an annual basis as provided in subrule 27.2(2). Annual reviews shall be held in April. Applications must be received in acceptable form by the Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319–0034, by the close of business on the work day closest to the fifteenth day of ~~the month preceding each review month~~ March.

ITEM 5. Amend subrule 27.6(1) as follows:

27.6(1) Review and selection committee. A five-member review and selection committee, hereinafter referred to as the committee, shall be composed of three staff members of the department as appointed by the director of the department, one member appointed by the director with input from the Iowa Association of County Conservation Boards, and one member appointed by the director of the department with input from the Iowa League of Cities and the Iowa Parks and Recreation Association shall determine which grant applications and amendment requests shall be selected for funding at the local level. A review and selection committee for state projects shall be composed of four staff members of the department as appointed by the director.

ITEM 6. Strike paragraph 27.6(3)b and insert the following **new** paragraph and subparagraphs:

b. Bonus points. Additional points will be added to the total score for the following:

(1) Projects which have special features for the elderly and handicapped above the normal access requirements for this population will receive three points.

(2) Projects which include the use of recycled content materials will receive two points.

(3) Projects which serve an area of greater minority population than the state average of 2.6 percent as follows:

Minority population greater than 3.5 percent 1 point

4.0 percent 2 points

4.5 percent 3 points

(4) Projects which show evidence that the specific project has been through the normal channels of review and approval by proper local decision makers, thereby ensuring that public support and a commitment to develop and operate the facility are present and that the project under consideration is a part of (or does not conflict with) broader plans which exist may receive up to three bonus points.

All points will be totaled for each application and those applications receiving the highest scores will be selected for fund assistance to the extent of the allotment for each review period. However, no application shall be selected which has received a score of less than 60.

ITEM 7. Amend subrule 27.6(4) as follows:

27.6(4) *Application rating system for state projects.* The committee will apply a numerical rating system to each grant application which is considered for fund assistance. The following criteria, with a weight factor assigned for each, will be considered:

Criteria	Weight factor
SCORP priority	4
Quality of site	1
Renovation/rehabilitation project	1
Direct recreation benefits	1

Each criterion will be given a score from 0 to 10, which is then multiplied by the weight factor. Additional points will be added to the total score for the following:

Projects which have special features for the elderly and handicapped above the normal access requirements for this population will receive three points.

Projects which include the use of recycled content materials will receive two points.

Projects which will serve an area of greater minority population than the state average of 2.6 percent as follows:

Minority population greater than 3.5 percent 1 point

4.0 percent 2 points

4.5 percent 3 points

ITEM 8. Strike subrule 27.6(5).

~~**27.6(5)** *Applications not selected for fund assistance.* Applications which have been considered and not selected for funding during the initial review period shall be returned to the applicant.~~

ITEM 9. Amend rule 27.7(456A) as follows:

571—27.7(456A) Public participation. All regional planning agencies will be advised of the time and place of review sessions. Written comments will be accepted prior to each

review session. A time period for public comment will be allowed immediately prior to each review session.

Potential applicants will be advised of any changes in the project evaluation and selection processes and criteria; but in any event, state agencies, regional planning agencies, county conservation boards and the Iowa League of ~~Municipalities~~Cities will be advised of the availability of program funding at least once every two years.

ITEM 10. Amend rule 27.11(456A) as follows:

571—27.11(456A) Timely commencement of projects. Grant recipients are expected to carry out their projects in an expeditious manner. Projects for which grants are approved by the administering federal agency between January 1 and May 31 shall be commenced during the same calendar year. Projects for which grants are approved by the administering federal agency between June 1 and December 31 shall be commenced by June 1 of the following year. Failure to do so may be cause for termination of the project and cancellation of the grant.

ITEM 11. Strike subrule 27.13(3) and insert the following **new** subrule:

27.13(3) Project billing frequency. No more than two project billings plus a final project billing shall be allowed.

Date

Jeffrey R. Vonk, Director

Michael Brandrup reviewed the changes to the rule and answered individual questions.

Motion was made by Commissioner Schneider to approve Notice of Intended Action—Chapter 27, Lands and Waters Conservation Fund Program. Seconded by Commissioner Christiansen. Motion carried unanimously.

NOTICE APPROVED

OFFICIAL DESIGNATION OF FORT DODGE ATV PARK

Michael Brandrup, Administrator, Conservation and Recreation Division, presented the following item.

Commission approval is requested to officially designate the motorized recreation area known as the Fort Dodge ATV Park as a “designated all-terrain vehicle riding area” as provided for under Iowa Code 321I and Administrative Rule Chapter 571-28.13(2).

The proposed land for the Fort Dodge ATV Park has met and exceeded all of the expenditure and acquisition requirements outlined in 571-28.13 and required under the Department ATV Land Acquisition Policy.

By providing Commission designation to the riding area, the land title holder (Webster County Improvement Corporation) and the riding area sponsor (Webster County Wheelers), will be eligible to expend Department approved, Iowa All-Terrain Vehicle Registration Revenue Cost-Share Program funds to develop the Fort Dodge ATV Park.

Michael Brandrup introduced David Downing, Coordinator of the ATV Program, who presented the item. Mr. Downing reviewed the request to officially designate an area known as the Fort Dodge ATV Park as a designated all-terrain vehicle riding area. He introduced Ben Champ, representing the City of Fort Dodge, Rick Williams, President of the Webster County Wheelers, and Paul Romans of the Iowa Riders Association.

Mr. Downing noted that Fort Dodge and other groups have worked together to provide these recreational opportunities and to make the area regionally attractive.

Ben Champ

Ben Champ related that the City of Fort Dodge supports the project. He explained that Shive Hattery Firm developed a Master Plan, which included insurance issues, enforcement issues, neighborhood issues and fencing.

Rick Williams

Rick Williams, President of Webster County Wheelers related that his organization will be managing the park. He described the illegal riding activity taking place at the area now and the improvements being made to the area. He noted that Dan Kleen has been active in developing riding areas and had intended to be at the meeting to show support.

Paul Romans

Paul Romans, Executive Officer of the Iowa Riders Association, thanked the department for their support of riding areas. He said there are 2000 members in the Iowa Riders Association and over 40,000 registered ATVs in Iowa. It is the fastest growing sport and users have a difficult time finding premier riding areas because so much land in Iowa is privately owned.

Motion was made by Commissioner Duncan to designate the motorized recreation area known as the Fort Dodge ATV Park as a designated all-terrain vehicle riding area as provided for under Iowa Code 3211 and Administrative Rule Chapter 571-28.12(2). Seconded by Commissioner Christiansen. Motion carried unanimously.

ATV PARK DESIGNATION APPROVED

WILDLIFE HABITAT GRANTS PROGRAM

Michael Brandrup, Administrator, Conservation and Recreation Division, presented the following item.

The Wildlife Habitat With Local Entities Program Grant Review Committee met on August 20, 2004 to review a total of six (6) county conservation board projects requesting \$\$458,422.50 in

Habitat Funds. A total of \$352,000.00 was available for this grant review. The committee recommends fully funding four (4) projects as shown on the attached table.

All the recommended grant awards are for the amount requested. The fifth (5) project from Howard County is recommended for full funding, however only \$133,202.50 in grant funds was remaining. Howard County will take the remaining funds and if additional funds become available from cost savings on other projects these funds will finish up the Howard County Project.

Commission approval is requested for the committee recommendations listed above.

WILDLIFE LIFE HABITAT PROMOTION WITH LOCAL ENTITIES PROGRAM				
GRANT REVIEW COMMITTEE RECOMMENDATIONS				
August 20, 2004 meeting				
COUNTY	PROJECT NAME	GRANT REQUEST	GRANT AWARD	TOTAL PROJECT COST
Henry	Gibson Recreation Area Addition Project	\$71,700.00	\$71,700.00	\$143,050.00
Dallas	Big Bend Project-Crowl Addition 2004	\$10,485.00	\$10,485.00	\$90,000.00
Wright	Olaf Wildlife Area	\$44,137.50	\$44,137.50	\$58,850.00
Montgomery	Viking Lake State Park Wildlife Addition	\$92,475.00	\$92,475.00	\$123,300.00
Howard	Hart Wildlife Area Acquisition	\$239,625.00	\$133,202.50	\$319,500.00
	TOTALS	\$458,422.50	\$352,000.00	\$734,700.00

Motion was made by Commissioner Duncan to approve the Wildlife Habitat with Local Entities Program Grant Review Committee's recommendation to fully fund the first four projects for the amount requested and to fund the fifth project from Howard County with the balance of the remaining funds and any additional funds that may become available. Seconded by Commissioner Christiansen. Motion carried unanimously.

GRANTS APPROVED

GENERAL DISCUSSION

Director Vonk introduced Rick Tebbs from the Lee County Conservation Board. Mr. Tebbs welcomed the commission to Lee County. He expressed appreciation for the partnership with DNR, NRCS, and working with other partners. He described some of the hunting and fishing areas in the county.

Chairperson Francisco congratulated the department on the favorable report from the Ombudsman's Report regarding the fines for fish violations against Asian markets.

Director Vonk reported that the department received a complaint from the Des Moines Register regarding the lack of information released on the boating accident in Okoboji. He said that our Assistant Attorney General, Michael Smith, is preparing information, and staff is working on an internal policy with regard to the release of information.

Chairman Kim Francisco noted that the Law Enforcement Annual Report was received. He reported that also received was a summary of legislation from last session.

Staff is working on ideas for proposals for legislation for the coming session. Director Vonk indicated that because of the concern on disease monitoring in animals, legislation is anticipated to ask that jurisdiction on game farms be returned to DNR.

NEXT MEETING DATES

The next meeting will be held October 14 in Waukon.

ADJOURNMENT

<i>Motion was made by Commissioner Christiansen to adjourn the September 9, 2004 NRC meeting. Seconded by Commissioner Duncan. Meeting adjourned at 11:20 a.m.</i>
--

Jeffrey R. Vonk, Director

Richard Kim Francisco, Chairperson

Janice Marcantonio, Secretary

Index

A

Adjournment, 18
 Allamakee County, Pool Slough WMA
 Land Acquisition, 6
 Approve Agenda, 1
 Approve Minutes, 1

B

Badger Creek State Park, Madison Co.
 Construction Project, 4
 Budget Request for FY06, 9
 Buena Vista County, Storm Lake
 Construction Project, 2

C

Call to Order, 1
 Champ, Ben--Public Participation, Ft.
 Dodge, ATV, 16
 Clayton County, Pine Creek WMA Land
 Acquisition, 6
 Clinton County, Goose Lake WMA Land
 Acquisition, 7
 Conservation and Recreation Donations, 11
 Construction Projects, 2
 Badger Creek State Park, Madison Co.--
 HMA Paving, 4
 Green Valley State Park and Three Mile
 Lake, Union Co. - HMA Paving, 4
 Lake Anita State Park, Cass Co.--
 Campground Improvements, 3
 Lake Keomah State Park, Mahaska Co.--
 Campground Electrical Improvements, 3
 Storm Lake, Buena Vista Co. -
 Addition to Fish Stripping Station, 2

D

Director's Remarks, 2
 Donations
 Conservation and Recreation, 11

F

Fish Stocking Procedures for Private Water,
 Chapter 79--Notice, 5
 FY06 Budget Request, 9

G

General Discussion, 18
 Goose Lake WMA, Clinton Co. Land
 Acquisition, 7
 Green Valley State Park, Union Co.
 Construction Project, 4

H

Harrison County, Loess Hills State Forest
 Land Acquisition, 8

L

Lake Anita State Park, Cass Co.
 Construction Project, 3
 Lake Keomah State Park, Mahaska Co.
 Construction Project, 3
 Land Acquisition, 5
 Goose Lake Wildlife Management Area,
 Clinton County—Phoenix Farms, 7
 Loess Hills State Forest, Harrison
 County—Iowa Natural Heritage
 Foundation, 8
 McCausland Wildlife Management Area,
 Scott County--Diercks, 8
 Pine Creek Wildlife Management Area,
 Clayton County--INHF, 6
 Pool Slough Wildlife Management Area,
 Allamakee County--Zeimet, 6
 South Pine Creek Area, Winneshiek
 County--INHF, 5
 South Pine Creek Area, Winneshiek
 County—Iowa Natural Heritage
 Foundation, 5
 Loess Hills State Forest, Harrison Co. Land
 Acquisition, 8

M

Madison County, Badger Creek
Construction Project, 4
Mahaska County, Lake Keomah
Construction Project, 3
McCausland WMA, Scott Co. Land
Acquisition, 8
Members Absent, 1
Members Present, 1

N

Next Meeting Dates, 18
Notice of Intended Action
Chapter 64, Metal Detectors Use in State
Areas, 12
Chapter 79, Fish Stocking Procedures
for Private Waters, 5

P

Petition for Rulemaking—Notice of
Intended Action—Chapter 64, Metal
Detectors Use in State Areas, 12
Pine Creek WMA, Clayton Co. Land
Acquisition, 6
Pool Slouth WMA, Allamakee Co. Land
Acquisition, 6
Public Participation
Ben Champ, ATV-Ft. Dodge, 16
Paul Romans, ATV Park, 16
Rick Williams, ATV Park, 16

R

Romans, Paul--Public Participation, ATV
Park, 16

S

Scott County, McCausland WMA Land
Acquisition, 8
South Pine Creek Area, Winneshiek Co.
Land Acquisition, 5
Storm Lake, Buena Vista Co. Construction
Project, 2

T

Three Mile Lake, Union Co. Construction
Project, 4

U

Union County, Green Valley and Three Mile
Construction Project, 4

W

Williams, Rick--Public Participation, ATV
Park, 16
Winneshiek County, South Pine Creek Area
Land Acquisition, 5